

APPENDIX D

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO DIVISION

SONOS, INC.,
Plaintiff and Counter-defendant,
v.
GOOGLE LLC,
Defendant and Counter-claimant.

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Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**JOINT PROPOSED VOIR DIRE
QUESTIONS**

Judge: Hon. William Alsup
Pretrial Conf.: May 3, 2023
Time: 12:00 p.m.
Courtroom: 12, 19th Floor
Trial Date: May 8, 2023

JOINT PROPOSED VOIR DIRE QUESTIONS

Sonos and Google jointly request that the following questions be asked of potential jurors during *voir dire* pursuant to Rule 47(a) of the Federal Rules of Civil Procedure, to the extent these topics and questions are not covered by the Court’s customary *voir dire* or Juror Questionnaire. Counsel requests that follow-up questions to seek explanation for any “Yes” responses to the questions below be handled at sidebar, as appropriate. Counsel also requests leave to orally tender supplemental questions as may be necessitated by the answers of prospective jurors in oral *voir dire*.

I. INDIVIDUAL BACKGROUND QUESTIONS

(Have each prospective juror, beginning with the first called, stand and answer.)

1. Please state your name, the name of the county in which you live, and the city where you live.
2. What is your educational background? If you attended college or graduate school, what were your primary areas of study?
3. Describe your current job and employer, including whether you're working full-time or part-time, and what your responsibilities are at work.
 - a. If you are not working outside the home, what was your last job and employer, and what do you do now? For example, are you a student (Where do you attend school, and what are you studying?), a stay at home parent or caretaker (Have you ever worked outside the home?), retired (If you are retired, what was your last occupation and employer?), disabled (If you worked before you became disabled, what was your last job and employer?), or currently unemployed and looking for work (If you are looking for work, state the type of work you are seeking.)?
 - b. If your current occupation is different than what you've done for the majority of your adult life, what has been your primary occupation?
4. If you are married or living with a partner, what is his or her current occupation and employer, and his or her job responsibilities at work? If not working, what does he or she do now, and what did he or she do before?
5. Do you have any children, what are their ages, and what are the occupations of any adult children?
6. Describe the occupations and employers of any other adults living in your household and explain your relationship to them.

7. If you have any licenses (besides a driver's license), certificates, or college degrees, please explain, including your major area of study.
8. What social, civic, charitable, industry/trade associations, or other organizations do you belong to?
9. Have you ever served in the military?
10. Have you previously served as a juror?
 - a. If yes, how many times and when, if you recall?
 - b. Civil, criminal, or both? What was the type of case? (e.g., contract dispute, personal injury, etc.) Was the trial in state or federal court?
 - c. Were you ever the foreperson?
 - d. Did the jury reach a decision in every case?
 - e. Did your experience as a juror affect your view of the justice system? If yes, explain.
11. Have you or anyone close to you ever been involved in a lawsuit?
 - a. Was it as the plaintiff, the defendant, a witness, or something else?
 - b. What kind of case was it? What were the circumstances?
 - c. When did this occur?
 - d. Were you or he/she deposed?
 - e. Was there a trial?
 - f. What was the outcome of the case? Were you satisfied with the outcome?
 - g. How did this experience affect your opinion of the legal system?

II. FAMILIARITY WITH CASE, PARTIES, ATTORNEYS, AND POTENTIAL WITNESSES

(After introductions of court staff and attorneys:)

12. What, if anything, have you already heard or read about this case?
13. Do you personally know anyone involved in this case?
 - a. Do you, or someone close to you, know any of the court staff, lawyers, or law firms in this case?

b. You have been given a list of the potential witnesses in this case, attached to the juror questionnaire you were asked to fill out. Do you know any of the potential witnesses?

14. Do you have any connections with Sonos, Inc., or Google LLC?

- Do you own any Sonos or Google stocks or bonds, or have any financial interest in, or a significant business relationship with Sonos or Google?
- Do you use any of Google's products or services, such as Chrome or Google search engines, Google Maps, Gmail, YouTube, YouTube Music, Google Nest products, Chromecast, Google Home, Google Mini, Google Pixel Products, or any other Google products? If yes, how many and which ones? How frequently do you use them?
- Do you own or use any Sonos products? If yes, how many and which ones? How frequently do you use them?

15. Do you own any speakers or smart home devices, made by anyone? If yes, how many? Which ones? How often do you use the speakers or smart home devices?

III. TECHNOLOGY COMPANIES AND CORPORATIONS

16. Do you have strong feelings, positive or negative, about large corporations?
17. The companies involved in this case are technology corporations. Do you generally have an unfavorable or negative opinion about technology companies?
18. How comfortable are you with new technology? Would you say you are very comfortable, somewhat comfortable, not very comfortable, or not at all comfortable?
19. Do you read any computer or technology magazines, or subscribe to any online news sources regarding computers or technology? Which ones? Why do you subscribe to them?

IV. RELEVANT TRAINING AND EXPERIENCE

20. Do you have any specialized knowledge or training (a) surrounding music streaming services or (b) with smart speakers? If yes to either, please explain.
21. Do you or anyone close to you have any training or work experience in developing apps for smart phones and tablets? If yes, please describe.
22. Do you or anyone close to you have any training or experience in any aspect of (a) engineering or (b) new product development? If yes to either, please describe.
23. Do you or anyone close to you have any training or experience in accounting or economics? If yes, please describe.

1 24. Do you or anyone close to you have knowledge or training regarding legal issues
2 or the law?

3 **V. EXPERIENCES RELATED TO BUSINESS AND PATENTS**

4 25. Have you had any experiences related to patents or inventions?

- 5 a. Have you ever been involved in the development of a new product or
6 process? If yes, please explain.
- 7 b. Have you ever worked for a company that has patents, copyrights,
8 trademarks or other forms of intellectual property? If yes, please explain.
- 9 c. Have you or anyone close to you ever entered into a licensing agreement or
10 have any experience with licensing agreements, or worked for a company
11 that had licensing agreements? If yes, please explain.
- 12 d. Have you, or has anyone you are close to, ever worked for the United
13 States Patent and Trademark Office?
- 14 e. Have you, or has anyone you are close to, ever been named as an inventor
15 on a patent application, or ever applied for or obtained a United States
16 patent or a patent from any other country? If yes to either, please explain.
- 17 f. Have you, or has anyone you are close to, ever applied for a copyright or
18 trademark?
- 19 g. Have you, or has anyone you are close to, ever been involved in a dispute
20 involving patent rights?
- 21 h. Have you, or has anyone you are close to, (a) ever been accused of
22 infringing a patent, or (b) ever accused someone else of infringing a patent?
23 If yes to either, please explain.
- 24 i. Have you, someone close to you, or your employer been accused of taking
25 someone else's idea or have you accused someone else of taking your idea?
- 26 j. Have any companies that you work for (or that anyone you are close to
27 work for), ever accused someone else of infringing a patent?
- 28 k. Do you have any opinions about the relationship between patents and the
29 public interest or any disagreement with the patent system or patent laws
30 that might keep you from being a fair and impartial juror?

1 **VI. LAW AND THE COURTS**

2 26. Do you have any experiences with the law, lawyers, and courts?

3 a. Do you know any lawyers, judges, or people who work in the courts? If
4 yes, who do you know and how do you know them?

5 b. Have you or anyone close to you ever been an expert or a consultant in a
6 legal case of any kind?

7 c. Have you or anyone close to you ever had any negative experience with the
8 justice system? If yes, do you believe that any negative feelings you have
9 about the justice system would affect your ability to be a completely fair
10 and impartial juror in this case?

11 d. Do you think that the court system is not the proper way to deal with
12 lawsuits between two businesses? Would anyone have trouble serving as a
13 juror in a dispute between two corporations?

14 **VII. FINAL QUESTIONS**

15 27. Did you know or recognize anyone else in the jury pool before coming here today?
16 If so, how do you know each other, and will your relationship affect you if you
17 both end up on the jury?

18 a. If you are selected as juror, will you listen to the views of other jurors and
19 work cooperatively with other jurors in order to reach a verdict?

20 28. Do you have any hearing, vision, mental health or physical health issues or
21 anything else going on in your life that would make it difficult for you to sit on
22 this case and give it your full attention at this time?

23 a. Do any of you have difficulty speaking, reading, writing, or understanding
24 the English language?

25 29. Throughout the entire time you are serving as a juror or potential juror in this case,
26 you are prohibited from conducting any independent investigation or research
27 whatsoever regarding the parties, subject matter, witnesses or attorneys involved in
28 the case. This means you must not use any search engines, such as Google, Bing,
29 or Yahoo, to obtain or share any information related to this case. This also
30 prohibits the use of any social media sites, like Instagram, Facebook, TikTok or
31 Twitter and includes any communications using email, text messages, blogs, social
32 media, or any other forms of electronic communications. To violate these
33 instructions compromises the fairness of the trial and violates your oath as a juror.

34 a. Will you have difficulty following these instructions?

35 b. Will you be willing and able to promise to follow these instructions?

- 1 30. Do you think you would be a good juror in this case? Why or why not?
- 2 31. After everything you've heard this morning, do you feel like you might already be
3 leaning in favor of Sonos or Google?
- 4 32. Is there anything the Court or the attorneys should know or that makes you doubt
5 that you would be completely fair, impartial, and unbiased in this case, including
6 anything that you have remembered in connection with one of the earlier
7 questions? If there is, it is your duty to tell me at this time.

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1 Dated: April 26, 2023

ORRICK HERRINGTON & SUTCLIFFE LLP
and
LEE SULLIVAN SHEA & SMITH LLP

3 By: /s/ Clement Seth Roberts
4 Clement Seth Roberts

5 Attorneys for Sonos, Inc.

6 By: /s/ Sean Pak
7 Sean Pak

8 Attorneys for Google LLC

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ECF ATTESTATION

I, Clement S. Roberts, am the ECF User whose ID and password are being used to file this Joint Proposed Voir Dire Questions. In compliance with Civil Local Rule 5-1, I hereby attest that Sean Pak, counsel for Google, has concurred in this filing.

Dated: April 26, 2023

By: /s/ Clement S. Roberts

Clement S. Roberts